

### **REMARKS**

Applicant thanks the Examiner for the careful review of this application. No claims were amended in this paper. Claims 1, 7, 26, 29 and 35 were amended. Claims 1-35 are currently pending in this application.

### **REJECTIONS UNDER 35 U.S.C. § 112, SECOND PARAGRAPH**

Claim 26 was rejected under 35 U.S.C. § 112, second paragraph as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner has pointed out that the phrase "the access elements" allegedly has no antecedent basis. Applicant has amended "the access elements" to --the radio transceivers--. Withdrawal of the rejection of claim 26 is respectfully requested.

### **REJECTIONS UNDER 35 U.S.C. § 102(e)**

Claims 1-8 and 29-34 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Sharony (U.S. Published Patent Application No. 2005/0113090). Applicant respectfully traverses for the following reasons.

Sharony teaches a system that locates rogue access points based on received signal strength values of beacon frames transmitted by the rogue access point. Sharony also teaches that the location "determination" of each of the authorized APs includes at least one of (i) a first strength data corresponding to a strength of the tracking beacon as measured by each of the authorized APs and (ii) a first time data corresponding to a time period that it takes for the tracking beacon to arrive at each of the authorized APs.

Claims 1, 7, 29 and 35 all specify for at least one of the radio transceivers to include a plurality of directional antennas. The Examiner has indicated that this is disclosed by Sharony at paragraph 27:

[0027] In step 150, the server 70 analyzes the RSSI and/or DTOA data received from the APs 10-30 and compares to the RSSI data and/or the DTOA data generated during the calibration procedure. The RSSI data and/or DTOA data allow the server 70 to determine the distances between the rogue AP 60 and the corresponding APs 10-30. For example, if the AP 20 records a stronger signal strength value than the AP 30, it may be that the AP 60 is located closer to the AP 20. This determination may be made with additional precision if either or both the AP 20 and the AP 30 use directional antennas.

**-Sharony, paragraph [0027]**

Applicant respectfully submits that Sharony is merely indicating that an access point ("AP"), such as AP 20 and AP 30, may have a directional antenna instead of an antenna of some other sort. Paragraph 27 does specify plural directional antennas. However, the plural form of "antenna" is merely used for proper grammar to specify that either AP20 or AP30 can utilize a directional antenna or both can utilize directional antennas.

Regarding claims 2 and 30, the Examiner has specified that Sharony's paragraph [0027] discloses identifying directional antennas associated with the signal strengths to be used in locating the wireless node. Since Sharony does not disclose a radio transceiver that has a plurality of directional antennas, Applicant also respectfully submits that Sharony does not read on claims 2 and 30 in the instance of a transceiver having more than one directional antenna.

**REJECTIONS UNDER 35 U.S.C. § 103(a)**

Claims 26-28 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Sharony (U.S. Published Patent No. 2005/0113090) in view of Molteni (U.S. Published Patent No. 2004/0066757). Claims 24-25 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Palm (U.S. Published Patent Application No. 2005/0068925). Applicant respectfully traverses.

The M.P.E.P. sets forth the strict legal standard for establishing a *prima facie* case of obviousness based on modification or combination of prior art references. "To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references where combined) must teach or suggest all the claim limitations." M.P.E.P. § 2142, 2143. The teaching, suggestion, or motivation for the modification or combination and the reasonable expectation of success must both be found in the prior art and cannot be based on an applicant's disclosure. *See Id.* (citations omitted). "Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art" at the time of the invention. M.P.E.P. § 2143.01. Even the fact that references can be modified or combined does not render the resultant modification or combination obvious unless the prior art teaches or suggests the desirability of the modification or combination. *See Id.* (citations omitted). Moreover, "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. All words in a claim must be considered in judging the patentability of that claim against the prior art." M.P.E.P. § 2143.03 (citations omitted).

Sharony was previously summarized. Molteni apparently discloses a wireless station having a wireless network device capable of providing a link-layer interface to a wireless network, a method operating at the link layer (L2) in the wireless station, and a carrier medium carrying computer readable code segments that when executed on a processor in the wireless station implement the method. The method includes, prior to the station being associated with a wireless network, wirelessly receiving L2 frames

transmitted from one or more wireless access point of one or more wireless networks that the station can hear. The method further includes gathering information about the received L2 frames, including L2 information and L3 information. The L3 information includes whether an AP is sending an IP packet from a mobility agent, such that the station may associate with a wireless network that is in communication with the mobility agent. The method further includes storing information about the wireless networks that the station can hear in a database. The information stored about each wireless network includes one or more of an identifier of the wireless network, the L3 information in the L2 frame received from the AP of the wireless network, a time stamp of when the L2 frame was received from the AP, and an indication of the signal strength of the L2 frame from the AP.

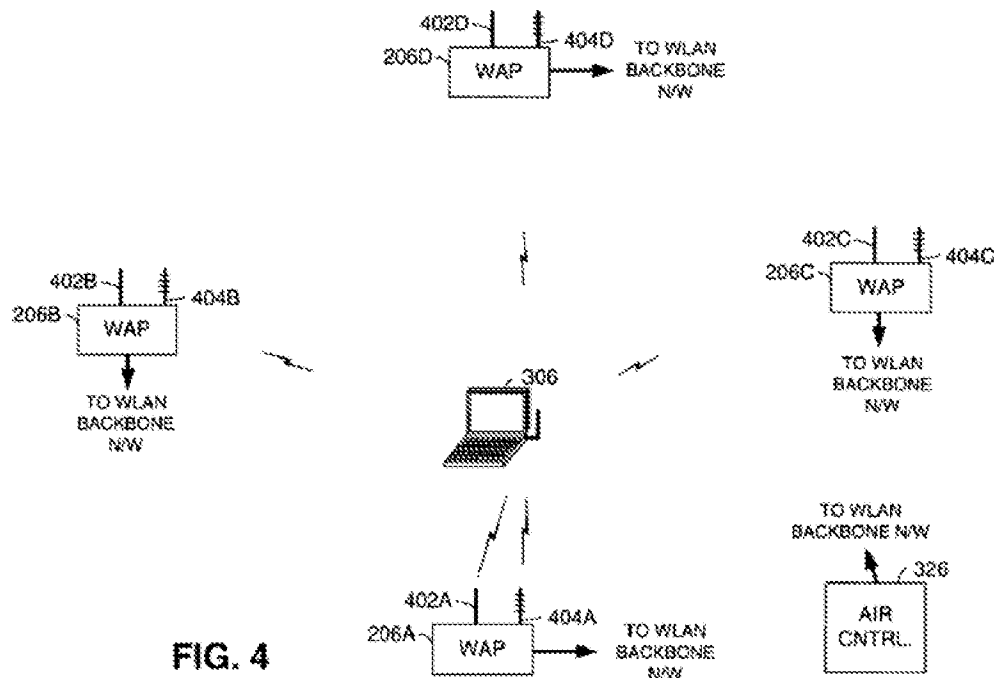
Palm apparently discloses a Wireless Local Area Network (WLAN) processing component includes a network interface and a processor. The network interface interfaces the WLAN processing component to a plurality of Wireless Access Points (WAPs) of the WLAN, at least some of the plurality of WAPs having directional antennas. The WLAN processing component directs the plurality of WAPs to perform a plurality of beaconing operations, each of the beaconing operations corresponding to a respective WAP of the plurality of WAPs such that during the beaconing operation the respective WAP transmits a substantially constant power beacon. During the beaconing operations, the WLAN processing component directs non-beaconing WAPs having directional antennas to listen for the transmitted beacon, direct an approximate maximum gain vector of the directional antenna toward the transmitted beacon, determine a relative angular position of the approximate maximum gain vector, and measure a received strength of the transmitted beacon. The WLAN processing component then uses collected information to determine relative radio positions of the plurality of WAPs within the WLAN.

Regarding claims 26-28, the previously mentioned deficiencies of Sharony also apply to the Examiner's interpretation of these claims. Specifically, Sharony does not disclose transceivers with multiple directional antennas.

Turning to the Molteni reference, Molteni does teach that access points are identified by their SSID. However, Sharony's and Molteni's access point antennas are not explicitly identified as there is no need to do so. Since their access points only have one antenna per access point, the identity of the access point corresponds to that of the antenna. Re-stated, Molteni does not disclose for explicit identification of antennas.

Due to these deficiencies in the Sharony and Molteni references, Applicant respectfully requests the withdrawal of the rejections of claims 26-28.

Turning to claims 24-25 and the Palm reference, the Examiner has indicated that Palm's access points contain multiple directional antennas. This is partly true as Palm's access points do indeed have multiple antennas as can be seen from Palm's figure 4, for example:



**FIG. 4**

**-Palm, figure 4**

Palm's access points (206) each have two antennas – a directional antenna (404) and an antenna (402) whose type is not explicitly identified. Since Palm does not disclose access points (transceivers) with multiple directional antennas, Applicant respectfully submits that Palm in combination with Molteni fails to arrive at the embodiments of claims 24-25. Due to this, Applicant respectfully requests withdrawal of the rejections of claims 24-25.

**ALLOWABLE SUBJECT MATTER**

Applicant thanks the Examiner for noting the presence of allowable subject matter in claims 9-23.

**CONCLUSION**

Applicant believes that all pending claims are allowable and a Notice of Allowance is respectfully requested.

If the Examiner believes that a conference would be of value in expediting the prosecution of this application, he is cordially invited to telephone the undersigned counsel at the number set out below.

Respectfully submitted,  
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Dated: October 2, 2006

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